

ASSEMBLY BILL

No. 1478

Introduced by Assembly Member Ammiano

February 27, 2009

An act to add Section 2290.6 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1478, as introduced, Ammiano. Written acknowledgment: medical nutrition therapy.

Existing law requires a health care practitioner, as specified, to obtain prior verbal and written consent of a patient or the patient's legal representative, as specified, prior to delivery of health care via telemedicine.

This bill would require that a physician and surgeon obtain a patient's written acknowledgment confirming the receipt of information, as specified, regarding treatment through medical nutrition therapy prior to delivering nonemergency treatment for diabetes or heart disease.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2290.6 is added to the Business and
- 2 Professions Code, to read:
- 3 2290.6. (a) Prior to the delivery to a patient of nonemergency
- 4 health care for the treatment for diabetes or heart disease, a
- 5 physician and surgeon licensed pursuant to this chapter shall:

1 (1) Inform the patient or the patient’s legal representative of the
2 option of medical nutrition therapy treatment for diabetes or heart
3 disease, respectively, including a description of the potential risks,
4 consequences, and benefits of this treatment relative to other
5 medical treatment options.

6 (2) Obtain written acknowledgment from the patient or the
7 patient’s legal representative confirming that the patient received
8 this information and discussed it with the physician and surgeon,
9 or his or her designee, and that the patient or the patient’s legal
10 representative understands this information.

11 (b) For purposes of this section, “medical nutrition therapy”
12 shall have the same meaning as set forth in subdivision (a) of
13 Section 2586.

14 (c) The failure of a physician and surgeon to comply with this
15 section shall constitute unprofessional conduct. Section 2314 shall
16 not apply to this section.

17 (d) All existing laws regarding surrogate decisionmaking shall
18 apply. For purposes of this section, “surrogate decisionmaking”
19 shall have the same meaning as set forth in subdivision (g) of
20 Section 2290.5.

21 (e) This section shall not apply in an emergency situation in
22 which a patient is unable to give written acknowledgment and the
23 representative of that patient is not available in a timely manner
24 to give written acknowledgment.

25 (f) This section shall not apply to a patient under the jurisdiction
26 of the Department of Corrections of Rehabilitation or any other
27 correctional facility.